

DOCKET NO.: 4204.3-2

PATENT

REMARKS

Claims 27-34 are pending in the application. Claims 27-34 have been rejected.

CLAIM OBJECTIONS UNDER 37 CFR §1.75(a)

Claims 27-34 are objected to under 37 CFR §1.75(a). The amendments to claim 27 correct the grammatical errors objected to by the Examiner.

CLAIM REJECTIONS UNDER 35 USC §112

Claims 27-34 are rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse this rejection. It is submitted that the step of "providing a dimension of the anatomical feature of interest based on the one or more dimensions of the virtual surgical object" is inherent in the disclosure. Nevertheless, the deletion from claim 27 of this step renders the rejection moot. Therefore, it should be withdrawn.

CLAIM REJECTIONS UNDER 35 USC §102

Claims 27-29 and 31-34 are rejected under 35 USC §102(b) as being anticipated by Peshkin et al. (U.S. Patent No. 5,799,055).

Peshkin et al. does not disclose or teach "adjusting the virtual surgical object such that graphical representations of the virtual surgical object fit the anatomical area of interest shown in at least one of said first and second images." Nowhere in the list of paragraph 10 of the Office Action does the Examiner address the underlined limitation. The Examiner cites a passage at column 5, lines 60-61, in Peshkin et al., for the proposition that the virtual surgical object can be adjusted "such that the graphical representations of the virtual surgical object fit the anatomical area interest." However, the passage in Peshkin et al. actually states only that, "The method further includes receiving a user input to change the length of the virtual guidewire." Peshkin et al. may teach changing the length of a virtual surgical object, but it does not teach fitting it to an anatomic feature of interest.

Peshkin et al. thus does not meet each and every limitation in claim 27 and cannot anticipate the claim. See M.P.E.P. §2131. Therefore, the rejection under 35 USC §102(b) of

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claim 27 and dependent claims 28, 29, and 31-34 is in error. Applicants respectfully request that it be withdrawn.

CLAIM REJECTIONS UNDER 35 USC §103

Claim 30 is rejected under 35 USC §103(a) as being unpatentable over the combination of Peshkin et al. and Alt (U.S. Patent No. 6,159,142).

Applicants traverse this rejection. Peshkin et al. is applied to claim 30 in the same manner as it is applied to claim 27. The combination therefore fails to meet all of the limitations of claim 30 for the same reason Peshkin et al. does not meet all of the limitations of claim 27. Therefore, the rejection is in error for at least this reason. Applicants request that it be withdrawn.

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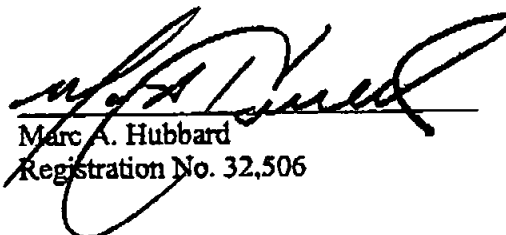
CONCLUSION

Applicants respectfully request reconsideration and allowance of the application. Please telephone the undersigned representative should he be of any assistance in connection with the reconsideration.

Please charge deposit account no. 13-4900 of Munsch Hardt Kopf & Harr, P.C. any additional fees associated with this paper.

Respectfully submitted,

Date: 29 Oct 2004
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